

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the )  
natural parent and guardian of J.I., JUWAN )  
HARRINGTON, CYDNEEA )  
HARRINGTON, KENYA WALTON, )  
individually and as the natural parent and )  
guardian of R.W., ZIYEL WHITLEY, )  
DYAMOND WHITLEY, KAMISHA )  
WHITLEY, and NANETTA GRANT as the )  
natural parent and guardian of Z.G., )

Plaintiffs,

v.

THE CITY OF RALEIGH, OFFICER OMAR )  
I. ABDULLAH, SERGEANT WILLIAM )  
ROLFE, OFFICER RISHAR PIERRE )  
MONROE, OFFICER JULIEN DAVID )  
RATTELADE, OFFICER MEGHAN )  
CAROLINE GAY, and JOHN and JANE )  
DOE OFFICERS 1-10, in their individual )  
capacities, )

Defendants.

**CITY OF RALEIGH'S  
MOTION TO DISMISS**  
*(Rule 12(b)(6))*

Defendant City of Raleigh (the “City”) moves the Court to dismiss this action pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

WHEREFORE, for the reasons set forth in the Memorandum of Law filed contemporaneously with this Motion, the City respectfully moves the Court to dismiss this action as against it.

This the 29<sup>th</sup> day of April, 2022.

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

By: /s/ Dorothy V. Kibler  
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RALEIGH

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2022, I electronically filed the foregoing Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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Respectfully submitted,

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

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